THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19640 of 2002

ORDER:

This writ petition is filed questioning the order passed in I.A.No.698 of 2000 in C.T.A.(SR) No.3447 of 2000 on the file of the first respondent-Cooperative Tribunal.

The writ petitioner is Primary Agricultural Cooperative Credit Society, Katkoor, Sircilla, Karimnagar district. It appears that surcharge proceedings under Section 60(1) of the A.P. Cooperative Societies Act, 1964 were taken up against sixth respondent herein. Questioning the same, he filed C.T.A. before the first respondent earlier and the matter was remanded back to the surcharge authority for deciding the matter afresh. While deciding the matter afresh, the surcharge authority found that the sixth respondent is not liable to pay any amounts and no irregularities can be attributed against him. Aggrieved by the same, society filed C.T.A (SR) No.3447 of 2000 along with I.A.No.698 of 2000 seeking to condone the delay of 28 days in filing the said appeal. The sixth respondent herein who is the fifth respondent in the I.A. filed counter stating that the surcharge orders were passed on 31.5.1999 and questioning the same, society filed appeal before the District Cooperative Officer on 31.7.1999 itself, therefore, there is a delay of 309 days in filing the C.T.A. but not 28 days as averred. However, the Tribunal held that whether it is 28 days or 309 days, it is immaterial, since no reasons were furnished, therefore, the petition under Section 5 of Limitation Act is liable to be dismissed.

It is unfortunate that such a stand was taken by the first respondent-Tribunal without considering as to the respective contentions raised by the parties. Therefore, I am of the opinion that the reasons furnished by the first respondent for rejecting the application

filed under Section 5 of Limitation Act are not sufficient.

Therefore, the impugned order is set aside and the matter is remanded back to the first respondent-Tribunal for reconsideration. Both the parties are at liberty to lead evidence, if any in this regard.

The writ petition is allowed to the extent indicated above. No order as to costs.

C.V.RAMULU, J

Date: 11.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

11.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19640 of 2002

Dated: 11th September, 2006

Between:

Primary Agricultural Cooperative Credit
Society Ltd., Katkoor, Sircilla mandal,
Karimnagar district, rep. by its Person-in-Charge.

.. Petitioner

and

The Cooperative Tribunal,
Chandra Vihar, Hyderabad & others.

.. Respondents